

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

G.C., an incapacitated person by and
through her duly appointed conservator,
KENNETH E. COUNTS,

No. CV 07-686-HU

Plaintiff,

OPINION AND ORDER

v.

NORTH CLACKAMAS SCHOOL
DISTRICT, a political subdivision of the
state of Oregon, RON NASO, JAN MINER,
and ANGELA TUCKER,

Defendants.

MOSMAN, J.,

On February 5, 2009, and June 25, 2009, Magistrate Judge Hubel issued Findings and Recommendations ("F&Rs") (## 49, 59) in the above-captioned case recommending that I GRANT defendants' Motion for Partial Summary Judgment (#24) as to the individual defendants on the Title IX claim, DENY summary judgment as to defendant District on the Title IX claim, and GRANT summary judgment as to the section 1983 claims as to all defendants. Plaintiff (#65) and defendants (#60) filed Objections to the F&Rs.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge,

but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendations, and I ADOPT the F&Rs (## 49, 59) as my own opinions.

IT IS SO ORDERED.

DATED this 21st day of August, 2009.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court